

FILED
Clerk
District Court

AUG - 2 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Defendant Ana Demapan-Castro

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

HENRY S. HOFSCHEIDER)	CIVIL ACTION NO. 04-0022
)	
Plaintiff)	
)	
v.)	
)	ANSWER TO SECOND AMENDED COMPLAINT
ANA DEMAPAN-CASTRO)	
)	
Defendant.)	
)	
)	

Comes now defendant Ana Demapan -Castro who answers the second amended
complaint as follows:

1. Ana Demapan -Castro admits ¶¶ 5, 16, 18, 20, 29, and 31 .
2. Ana Demapan -Castro denies ¶¶ 3, 4, 9, 13, 23, 24, 25, 26, 27,32, 33, 34, and 35.
3. Ana Demapan -Castro lacks information and knowledge concerning the allegations in ¶¶
6, 7, 8, 10.11, 14, 15, 19, and 30 and therefore denies ¶¶ 6, 7, 8, 10.11, 14, 15, 19, and
30.
4. With respect to ¶ 1 Ana Demapan -Castro denies that plaintiff is still the Commissioner

of MPLA.

5. With respect to ¶ 2 Ana Demapan -Castro denies she is being sued in her personal capacity for actions taken under color of CNMI statute ordinance, regulation, custom and usage.

6. With respect to ¶ 12, Ana Demapan -Castro denies the basis for the suspension constituted“allegations” as the basis for the suspension was based on fact.

7. With respect to ¶ 17, Ana Demapan -Castro admits only that the original complaint in this case was filed on or about August 17, 2004. All other allegations contained in ¶ 17 are denied.

8. With respect to ¶ 21, Ana Demapan -Castro denies that the Notice of termination was made pursuant to “purported” powers as she was lawfully vested with the power to issue the Notice of Termination.

9. With respect to ¶ 22, Ana Demapan -Castro incorporates her answers to ¶¶ 1 - 20 of the second amended complaint.

10. With respect to ¶ 28, Ana Demapan -Castro incorporates her answers to ¶¶ 1 - 27 of the second amended complaint.

AFFIRMATIVE DEFENSES

1. Ana Demapan Castro is entitled to qualified immunity.
2. The first claims for relief fails to state a claim for relief.
3. The second claim for relief fails to state a claim for relief
4. The position of MPLA Commissioner is a “policymaker” position.

1 5. Hofschneider's employment as Commissioner by MPLA was ultra vires.

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3 **PRAYER FOR RELIEF**

- 4 1. Plaintiff take nothing by his complaint;
5 2. For cost of suit and reasonable attorneys fees; and
6 3. Such other and further relief as the court may deem just and proper.
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9 Law Office of G. Antony Long

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